
North Coast Regional Water Quality Control Board

TO: Diana Henriouille

FROM: Kate Hawken

DATE: December 11, 2020

Report for March 24, 2020 Consent Inspection of Humboldt County Assessor's Parcel Numbers 208-221-008, 208-221-015, and 208-221-016

File: Cannabis Program Inspections, Humboldt County, March 2020 Humboldt County
Inspections, CIWQS Place ID 824460

Property Information

County: Humboldt

Physical address: Approximately 2 miles north of Dinsmore

APN: 208-221-008, 208-221-015, and 208-221-016

Owner: Mad River Family Farms LLC
P.O. Box 4312
Arcata, CA 95518

Transaction History (per LandVision):

- 008: transferred November 30, 2016 from seller Samuel Jefferson Dayton.
- 015: transferred November 30, 2016 from sellers Scott and Sarah Wallach
- 016: transferred November 30, 2016 from seller Robert Neil Hansen

Size:

- 008: 40 acres
- 015: 40 acres
- 016: 40 acres

Watershed: Eel Hydrologic Unit; Van Duzen River Hydrologic Area; Bridgeville
Hydrologic Subarea (HU/HA/HSA 111.22; Table 2-1, Water Quality Control Plan for the
North Coast Region).

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Aerial Imagery Notes (Google Earth Pro): Roads visible in earliest available (June 1993) imagery. Additional roads and possible structures visible August 2005. Significant additional clearing and hoop house structures appear between December 2005 and June 2009. Further clearing, structures, and patterns suggestive of outdoor cannabis cultivation are visible in subsequent imagery. Two ponds are apparent in May 2016 imagery. A third pond is visible in April 2019 imagery.

Regulatory status with the Regional Water Board

Enrolled for coverage under Regional Cannabis Order R1-2015-0023 February 12, 2016 through June 30, 2019 and transitioned to coverage under Statewide Cannabis Order WQ 2017-0023-DWQ on July 1, 2019.

Inspection information:

Date/time: March 24, 2020

Type: Compliance

Attendance:

Kate Hawken and Adona White, North Coast Regional Water Quality Control Board (Regional Water Board)

Dave Manthorne, Brad Padilla, Eric Agotia, and Kyle Shaw California Department of Fish and Wildlife

Background/Objective:

Regional Water Board staff participated with staff of the California Department of Fish and Wildlife to inspect several cannabis cultivation sites north of Dinsmore in the Mad River watershed on March 24, 2020. Inspection objectives for Regional Water Board staff included observing site development and activities and identifying and assessing onsite features or conditions that are causing or may cause adverse impacts to the quality and beneficial uses of receiving waters, including surface and ground water.

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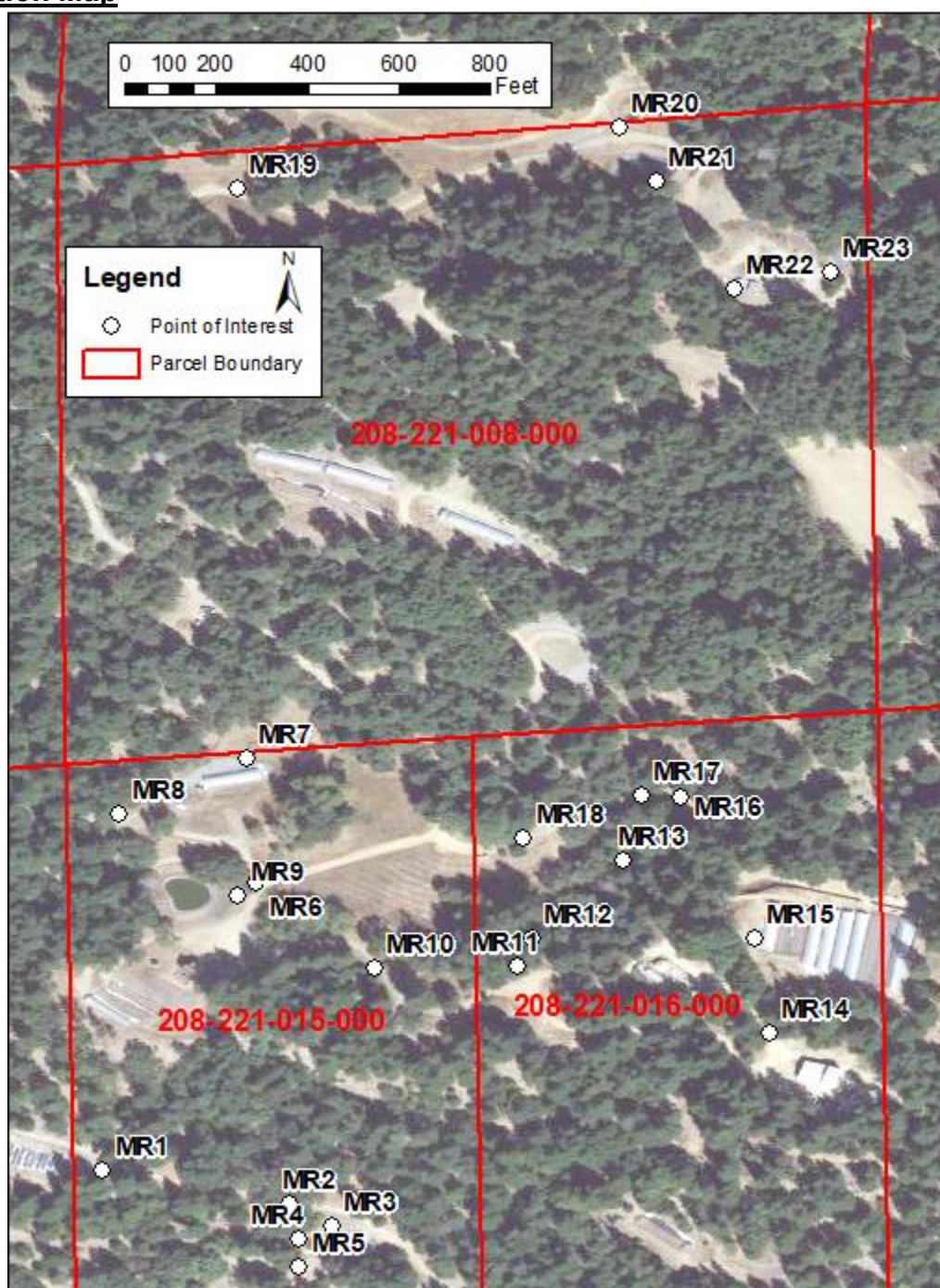
Inspection Map

Figure 1: Map of Property, including Inspection Points of Interest

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Inspection Observations

On March 24, 2020, I inspected the subject property. Figure 1, above, is a site map showing inspection points discussed below.

MR1: I observed loose fill and potting soil that had been pushed over the edge of a recently graded flat (Photo 1).

MR2: I observed a culvert stream crossing receiving road runoff (Photo 2).

MR3: I observed a cultivation area overgrown with weeds adjacent to a watercourse (Photo 3).

MR4: I observed a watercourse approximately five feet from the inactive cultivation area.

MR3: I observed the watercourse mentioned in **MR4** diverted down a road (Photo 4).

MR5: I observed a dirt ford stream crossing (Photo 5).

MR6: I observed the base of a muddy road that was covered in rills. Approximately 20 feet away, I observed a pond (pond 1). I observed approximately 180 feet of 10-inch diameter plastic piping discharges adjacent to the pond (Photo 6).

MR7: I observed a cultivation area with a seepy cutbank (Photo 7). Water from the seep channelizes and discharges to the pond at **MR8** (pond 2).

MR8: I observed a pond (pond 2) that receives flow from a seep and had a black plastic outlet pipe (Photo 8).

MR9: I observed a pond with green water adjacent to the head of a watercourse (Photo 9). The pond discharges to the watercourse via a tarped overflow channel and a culvert (Photo 10).

MR10: I observed a culvert stream crossing at the bottom of a hill that appeared to be functioning (Photo 11).

MR11: I observed a leaking waterline adjacent mixing tanks (Photo 12).

MR12: I observed a dirt ford stream crossing near a wetland area (Photo 13). A property representative stated the road stretch will be decommissioned.

MR13: I observed a diversion point in a watercourse. The watercourse had been dredged to install the POD (Photo 14).

MR14: I observed an outhouse that discharged human waste to ground (Photo 15).

MR15: I observed an approximately three-quarter acre cultivation area on top of a ridge. I observed signs of instability including cracks on the flat (Photo 16).

MR16: I observed an inboard ditch on the access road to the ridge cultivation area **MR15** (Photo 17). **MR16** marks the top of the inboard ditch.

MR17: I observed the discharge point of the inboard ditch that started at **MR16** (Photo 18).

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MR18: I observed a groundwater well.

MR19: I observed a culvert stream crossing receiving flow from an inboard ditch (Photo 19).

MR20: I observed a spring at the top of the inboard ditch mentioned in **MR19**. The spring historically crossed the road via a culvert and discharged to a pond. The culvert was blocked/ not functional causing the spring to divert down the road (Photo 20).

MR21: I observed the pond mentioned in **MR20** (Photo 21).

MR22: I observed a steep, unstable cultivation area (Photo 22).

MR23: I observed three water bladders lacking secondary containment (Photo 23).

A comparison of conditions observed on the site with categories of activities typically associated with water quality concerns at cannabis cultivation sites:

1. Site maintenance, erosion control and drainage features: I observed multiple stretches of roads that were hydrologically connected to watercourses. I observed multiple cultivation areas developed on wet and/ or unstable ground.
2. Stream crossing maintenance and improvement: I observed multiple failing and undeveloped stream crossings.
3. Riparian and wetland protection and management: I observed cultivation areas in the riparian setbacks.
4. Spoils management: I did not observe spoils.
5. Water storage and use: I observed ponds within the riparian setbacks. I observed water storage bladders lacking secondary containment. I observed a leaking water line. I observed a dredged area in a watercourse used as a diversion point.
6. Irrigation runoff: I observed a leaking water line, as mentioned above.
7. Fertilizers and soil amendments: I did not observe fertilizers or soil amendments.
8. Pesticides: I did not observe pesticides.
9. Petroleum products and other chemicals: I did not observe petroleum products or other chemicals.
10. Cultivation-related wastes: I observed potting soil pushed over a hillside.
11. Refuse and human waste: I observed an outhouse that discharged to ground.

Recommendations

1. Retain a licensed professional to develop a workplan and schedule to:
 - a. Evaluate all stream crossings for capacity to convey the 100-year flood flow, including debris and sediment loads, and to replace the stream crossings as necessary.
 - b. Improve access road alignment, surfacing, and drainage to minimize erosion and sediment transport. Hydrologically disconnect access roads and road ditches from watercourses.
 - c. Remove the ponds and restore associated impacts to the watercourse channels and riparian areas as necessary.
 - d. Assess the cultivation flats for stability and compliance with riparian setbacks and improve or remove unstable/ non-compliant flats. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
 - e. Conduct a forensic wetland delineation, per U.S. Army Corps protocols, of areas **MR7** and **MR12** and submit a wetland restoration plan which includes a project description, goal of restoration, implementation plan and schedule, plan for monitoring and site maintenance following restoration, and contingency measures addressing the diversity index of wetland/ non-wetland native plant species occurring on the Property. The plan should include proposed mitigation to address the temporal and permanent losses of wetland value and function.
2. Relocate all cannabis-related infrastructure outside of the applicable riparian setback requirements per the CANGO.
3. Submit design plans, construction schedule, and other relevant information to the Regional Water Board through the 401 Water Quality Certification process prior to starting work in surface waters. Work may not start until authorization is received from the Regional Water Board. See 401 Water Quality Certification application here:
https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf
4. Store and contain all potting soil, cultivation-related waste, and chemicals, including pesticides and petroleum products, properly to prevent spillage and potential for migration/transport into receiving waters.

5. Collect and dispose of or contain all refuse and cultivation-related wastes in a location and manner so as to minimize potential for these wastes to enter or be transported into receiving waters.
6. Discontinue use of water storage bladders or install secondary containment systems with sufficient capacity to capture 110 percent of each bladder's maximum possible contents in the event of bladder failure per the CANGO.
7. Discontinue use of and dismantle any outhouse/pit toilet features and work with Humboldt County to ensure that all domestic and human wastes are collected and disposed of consistent with applicable County requirements.
8. Regularly inspect water lines for leaks and immediately repair any leaks found.
9. Work with CDFW and the State Water Resources Control Board's Division of Water Rights (DIV) to determine and secure any applicable permits or licensing required for surface water diversion, storage, and use on the site.

Enforcement Discretion

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.

Photo Appendix

Photo 1 – Potting soil pushed over hillside



Photo 2 – Outlet of culvert. Stream crossing receives runoff from road



Photo 3 – Cultivation area at base of road



Photo 4 – Watercourse diverted down road



Photo 5 – Dirt ford stream crossing



Photo 6 – Pipe discharges adjacent to pond 1



Photo 7 – Seepy wetland area in forefront of cultivation area



Photo 8 – Seep discharges via channel from cultivation area (top of hill) to pond 2



Photo 9 – Pond 3



Photo 10 – Pond 3 overflow culvert discharges to watercourse



Photo 11 – Culvert stream crossing at base of road



Photo 12 – Leaking waterline



Photo 13 – Dirt ford stream crossing



Photo 14 – Dredged area of watercourse for diversion point



Photo 15 – Outhouse



Photo 16 – Cultivation area on top of ridge



Photo 17 - Inboard ditch



Photo 18 – Inboard ditch discharge point to hillside



Photo 19 – Culvert stream crossing with evidence of overflow



Photo 20 – Spring diverted down road, creating channel through grass



Photo 21 – Pond 4



Photo 22 – Steep side slope of cultivation area



Photo 23 – Three water storage bladders